

"dimensional changes" is found on page 6, lines 21-23 and elsewhere. Claim 62 has been amended to recite a limitation on the positioning of the monitoring device to prevent the claim from being a substantial duplicate of claim 49. Parallel changes have been made in claims 66 and 67.

Claim 76 corresponds exactly to the claim on page 5 of the Office Action required to be copied, which is claim 1 of U.S. Patent No. 5,433,651 (hereafter "the Lustig '651 patent").

Claims 77-87 correspond exactly to claims 2, 6, 7, 35, 36, 40, 41, 45, 46, 50, and 51, respectively, of the Lustig '651 patent.

The added claims are supported throughout the present specification and figures. For example, an optical window embedded in the polishing table with a top surface that is "substantially flush" with the table's surface (claims 77, 79, 81, 83, and 85) is shown by fiber optic 6' in Fig. 4 and is described in the accompanying text at page 14, lines 9-12 of the present specification. Page 9, lines 4-8, of the present specification further indicate that the end of the fiber optic is preferably less than about 1 cm away from the film of the substrate.

As recited in claims 78 and 82, means for determining a prescribed change in the reflectance (analyzing the light signal) are disclosed at page 11, lines 2-5 of the present specification.

As recited in claims 84, 86, and 87, means for controlling the polishing process based on the analyzed reflectance, including means for terminating the polishing process when a predetermined thickness (endpoint) or a non-uniformity is detected, are disclosed on pages 1-6 of the present specification.

No new matter has been added.

Claims 52, 59, 61-65, 73, and 74 have been rejected under the second paragraph of 35 U.S.C. § 112 for indefiniteness. Reconsideration of the rejection is respectfully requested.

Claim 52 has been amended to depend from claim 48 following the Examiner's suggestion.

Claim 59 has been amended to change "uncouples" to "decouples" following the Examiner's suggestion.

Claims 61 and 62 have been amended following the Examiner's objection that they were substantial duplicates of claims 48 and 49. Claim 61 has been amended to generically recite "dimensional change", which encompasses (but is not limited to) the "thickness" change recited in claim 48. Support for monitoring "dimensional changes" is found on page 6, lines 21-23 and elsewhere in the present specification. Claim 62 has been amended to recite a limitation on the positioning of the monitoring device to prevent the claim from being a substantial duplicate of claim 49. Claims 63-65 are not substantial duplicates of claims 50-52 because of their dependence on claim 61, which, as noted above, is not a substantial duplicate of claim 48.

It is believed that a similar objection could have been made that claims 66-70 are substantial duplicates of claims 71-75. Accordingly, parallel changes have been made in claims 66 and 67 as were made in claims 61 and 62 in order to advance prosecution.

Claim 74 has been canceled because it was a substantial duplicate of claim 73 as noted by the Examiner.

Accordingly, withdrawal of the rejection under the second paragraph of 35 U.S.C. § 112 is requested.

Applicant has copied the claim appearing on page 5 of the Office Action as required by the Examiner for purposes of an interference with Lustig '651. In addition, applicant has copied claims 2, 6, 7, 35, 36, 40, 41, 45, 46, 50, and 51 of the Lustig '651 patent. Support for these claims is found in the present specification as set forth above.

Finally, applicant points out that the Lustig '651 patent contains method claims which are similar to method claims appearing in co-pending application Serial No. 07/996,817, which

Serial No. 08/401,229

is the parent of the present application. Applicants have notified the Examiner of the parent application of the Lustig '651 patent. However, the Examiner of that application has not made a requirement to copy the method claims from Lustig '651. In the parent application (07/996,817), an interference has been requested with U.S. Patent No. 5,499,733 to Litvak.

In view of the above amendments and remarks, favorable reconsideration of this application is requested. In the event that any issues remain before an interference can be declared, the Examiner is invited to telephone the office of the undersigned if it would expedite prosecution.

Respectfully submitted,

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Date

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